

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRANDON BRICE,

Plaintiff,

Case No. 04-73944

v.

Hon. Bernard A. Friedman

MICHAEL M. MACGUINNESS, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF FROM ORDER

This matter is before the Court on Plaintiff's Motion for Relief From Order. Pursuant to local rule 7.1(e)(2) this matter will be decided without oral argument.

On December 12, 2005 Defendant Van Buren Public Schools filed a motion for summary judgment in the above-captioned case. Electronic notice of defendant's motion was sent to the parties, via the court's electronic case filing system. On December 29, 2005 the court electronically sent notice to the parties informing them that oral arguments on defendant's motion would be heard March 1, 2006. On February 23, 2006 Defendant MacGuinness electronically filed a response to Defendant Van Buren Public Schools' motion. Once again, electronic notice of the filing was sent to all parties. Plaintiff did not file a response to Defendant Van Buren Public Schools' motion.

On March 1, 2006 the Court heard oral arguments. Plaintiff did not attend oral arguments. Defendant Van Buren Public Schools' motion was granted, and an order granting such motion was issued shortly thereafter.

Plaintiff brings the present motion arguing that he did not receive the court's notice of the

hearing for oral arguments. He further asserts, in support of his motion, that there were some unresolved discovery disputes that the Court should address. He requests that the Court compel production of discovery he claims to be denied by Defendants, and that the Court set aside its Order granting Defendant Van Buren Public Schools' motion for summary judgment.

The court will deny Plaintiff's request to compel the production of discovery. The discovery cut-off date has long passed. The appropriate time to address discovery disputes is during the discovery process, not after summary judgment has been granted against you. Had the Plaintiff believed there was a valid discovery issue that warranted the court's attention, it should have been addressed long before the parties' dispositive motion practice.

The court will further deny Plaintiff's request that it set aside its Order granting Van Buren Public Schools' motion for summary judgment. Plaintiff's attorney is registered with the court's electronic case filing system. It is the court's assumption that Plaintiff maintains his registry with up-to-date contact information, as he is required to do so. Plaintiff does not dispute that he received Defendant Van Buren Public Schools' motion. He further does not address whether he received Defendant MacGuinness' response, or why he chose not to respond to the motion. Clearly, Plaintiff received the court's Order regarding Defendant Van Buren Public Schools' motion, as that is the subject of this present motion. The court can only work with the assumption that the contact information provided by the parties by way of the electronic case filing system is valid and up-to-date. Had Plaintiff not received the court's notice regarding its hearing of the motion, Plaintiff could have called the court to inquire into the hearing date.

Accordingly,

IT IS ORDERED that Plaintiff's Motion for Relief from Order is DENIED.

Dated: April 3, 2006
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

**I hereby certify that a copy of the foregoing document
was served this date upon counsel of record
electronically and/or via first-class mail.**

/s/ Patricia Foster Hommel
Patricia Foster Hommel
Secretary to Chief Judge Friedman